

**A-6235 (Retroactive Variance Request)**  
**Mr. and Mrs. Daniel Coughlan,**  
**20 West Lenox Street**

Maintain a stoop and tread that were constructed and that encroach two feet, six inches (2'-6") forward of the twenty-five (25) foot (Magnolia Parkway) front building restriction line.

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**CHEVY CHASE VILLAGE  
BOARD OF MANAGERS  
NOVEMBER 13, 2012 MEETING**

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**STAFF REPORT**

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**TO:** BOARD OF MANAGERS  
**FROM:** ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR  
**DATE:** 11/8/2012  
**SUBJECT:** HEARING OF APPEAL CASE NO. A-6235 RETROACTIVE VARIANCE REQUEST  
MR. & MRS. DANIEL COUGHLAN, 20 WEST LENOX STREET  
MAINTAIN A STOOP AND TREAD THAT WERE CONSTRUCTED AND THAT ENCROACH TWO  
FEET, SIX INCHES (2'-6") INCHES FORWARD OF THE TWENTY-FIVE (25) FOOT FRONT  
(MAGNOLIA PARKWAY) BUILDING RESTRICTION LINE.

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**NOTICE REQUIREMENTS:** Abutting Owners; Public Notice

**APPLICABLE CHEVY CHASE BUILDING REGULATION:**

**The Chevy Chase Village Code § 8-17 (c) states:**

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

**FINDINGS REQUIRED:**

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22, 8-26 or Article IV of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

**APPLICABLE COVENANTS:**

"That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises and that no stable, carriage house, shed or out-building shall be erected except on the rear of said premises. In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line."

**FACTUAL AND BACKGROUND INFORMATION:**

The property is a corner lot at the southeast corner of West Lenox Street and Magnolia Parkway.

The southeast corner is not a right angle; Magnolia Parkway intersects West Lenox Street forming an acute angle on the property.

The Applicants obtained a building permit #6173 in July of 2012 to construct a two-story addition on the south side of the existing house. The west wall of this work depicted a French door, centered in the wall and flanked by windows, with a stoop and steps to an existing patio at grade (see plan page 9 and elevation page 11).

Permitting and Code Enforcement Coordinator Ellen Sands met with the architect for the Applicants for a Pre-Design Review Meeting on October 20, 2010. At that meeting, the plans presented by the architect depicted a raised terrace that encroached forward of the front building restriction line. The conditions of the property, and specifically the front setback on Magnolia Parkway, were discussed. It was suggested that the covenants be provided to determine if a variance could be sought. The architect subsequently submitted a copy of an early deed which stipulated a twenty-five (25) foot front setback for both the Magnolia Parkway and West Lenox Street front yards. In response to this information the architect modified the design so that the stoop was compliant with this restriction.

At some time after this meeting, the Applicants changed architects. The drawings submitted by the subsequent architect for approval by the Historic Preservation Commission (HPC) and Montgomery County Department of Permitting Services depict a compliant stoop and steps at the family room.

During a routine site visit to the project during construction, Permitting and Code Enforcement Coordinator Ellen Sands noticed that the stoop had not been constructed according to the permitted drawings (see Site Inspection Report dated October 17, 2012 page 14) and that the stoop as built was not compliant in that it encroached forward of the twenty-five (25) foot front building restriction line.

Accordingly the Applicants are requesting a retroactive variance to maintain the stoop as constructed.



Figure 1: View looking east of the family room, stoop and step.

A portion of the existing original house was constructed forward of the twenty-five (25) foot front building restriction line and also forward of the applicable covenant setback line.

The stoop that was constructed does not encroach beyond the front building restriction line farther than the existing original house.



Figure 2: Close-up of the stoop and tread.

In previous cases the Board has found that the covenant authors did not intend certain uncovered steps and stoops to be deemed “structures” for the purposes of the front covenant setback, where such uncovered steps and stoops are installed as a matter of necessity to address the change in elevation from the ground to the entrance of a house and which steps and stoops are the minimum necessary to provide reasonable access.

In this case, the stoop and tread are not the primary nor singular entrance to the house.

Joshua Silver, staff member of the Historic Preservation Commission, has seen the revision and submitted an email (see page 15) stating that he would recommend approval of the modification to the HPC.

There are no tree protection issues regarding the project.

To date there have been no letters received from abutting or confronting neighbors regarding the project.

Applicable Fees: Variance Application Fee: \$300.00

#### RELEVANT PRECEDENTS:

This case differs from precedents cited in other recent stoop and step variance requests in that the proposed additional steps are of new construction and not an expansion of an existing non-conforming stoop, nor is it a modification to an existing stoop for Code or safety concerns which then creates a non-conformity. This case also differs because a portion of the existing main house already encroaches forward of the front building restriction and covenant setback line. The most relevant precedents would be: In June of 2008 the Board granted a variance to Susan Gallagher and Michael Williams of 21 East Melrose Street to **construct** an addition, which included a stoop and step to grade, which would encroach forward of the twenty-five (25) foot front (Brookville Road) building restriction line. In that case, as in this request, a portion of the existing house already encroached forward of the setback line and the proposed work did not increase the amount of the existing encroachment. In April of 2011, Mr. & Mrs. Alex Sternhell of 27 Primrose Street were granted a variance to **construct** a terrace on the west (side) of the house, a portion of which would encroach forty (40) inches forward of the front building restriction line. In that case the Applicants



requested permission to connect an existing front porch (which encroached forward of the front setback) to an expanded terrace on the west side of the house. A portion of the connection would encroach forward of the setback but again, not farther than the existing porch already encroached and the terrace did not increase the encroachment. In those cases the Board determined that the covenants were therefore not enforceable at the property.

Recent precedents for stoops and steps that encroach forward of the twenty-five (25) foot front building restriction line include: In May 2005 Mr. & Mrs. Justin Bausch of 12 East Lenox Street were granted a variance to **extend** the uncovered steps leading to the front porch. In the Bausch case the covenants were worded to prohibit "any stable, carriage houses or shed" forward of the twenty-five (25) foot front building restriction line, rather than the more standard language prohibiting "structure[s] of any description" forward of that setback. In December of 2010, Mr. & Mrs. Robert Maruszewski of 127 Grafton Street were granted a variance to **enlarge** a non-conforming stoop which would encroach five feet, six inches (5'-6") forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two feet, eleven inches (2'-11") farther than the existing stoop. In December 2010, Mr. Gregory L. Dixon and Ms. Susan F. Dixon, Co-Trustees of the Gregory L. Dixon Revocable Trust and the Susan F. Dixon Revocable Trust, of 5500 Montgomery Street, were granted a variance to **expand** their front stoop that would extend three (3) feet forward of the twenty-five (25) foot front building restriction and covenant setback line. In January of 2011, Case A-5854, Joanne Kyros and Thomas Schaufelberger of 135 Grafton Street were granted a variance to **enlarge** an existing non-conforming stoop with steps and construct three (3) treads that would encroach five (5) feet forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two (2) inches farther than the existing treads. In February of 2012, Mr. & Mrs. Andrew Marino, of 11 Primrose Street, were granted a variance to **relocate and construct** non-conforming front steps, leading to a porch, both of which were forward of the twenty-five (25) foot front building restriction and covenant setback line. The proposed steps would encroach twelve feet, eight inches (12'-8") in front of this twenty-five (25) foot front setback line, an additional ten (10) inches beyond the existing steps. In April of 2012 Mr. & Mrs. D. Blake Bath were granted a variance to **reconstruct** the front steps and add an additional step leading from the front walkway to the front porch forward of the twenty-five (25) foot front building restriction and covenant setback line. In May of 2012 Dr. & Mrs. Charles Bahn of 118 Hesketh Street were granted a variance to **reconstruct** the front steps from the front walkway to the front porch, adding one tread, a portion of which would be located forward of the twenty-five (25) foot front building restriction and covenant setback line. In June of 2012, Mr. & Mrs. Jeffrey Shuren were granted a variance to **reconstruct** steps that would extend an additional one foot, one inch (1'-1") beyond the existing steps for a maximum encroachment of six feet, eight inches (6'-8") forward of the twenty-five (25) foot front building restriction line.

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#### Draft Motion

I move to direct staff to draft a decision **APPROVING/DENYING** the variance request in case A-6235, based on the findings that ...

**CHEVY CHASE VILLAGE  
NOTICE OF PUBLIC HEARING**

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Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 13<sup>th</sup> day of November, 2012 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6235  
MR. & MRS. DANIEL COUGHLAN  
20 WEST LENOX STREET  
CHEVY CHASE, MARYLAND 20815**

The applicants seek a retroactive variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to maintain a stoop and tread that were constructed and that encroach two feet, six inches (2'-6") inches forward of the twenty-five (25) foot front (Magnolia Parkway) building restriction line.

**The Chevy Chase Village Code § 8-17 (c) states:**

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at [www.chevychasevillagemd.gov](http://www.chevychasevillagemd.gov) or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 1<sup>st</sup> day of November, 2012.

**Chevy Chase Village Office  
5906 Connecticut Avenue  
Chevy Chase, Maryland 20815  
301-654-7300**

**MAILING LIST FOR APPEAL A-6235**

**MR. AND MRS. DANIEL COUGHLAN  
20 WEST LENOX STREET  
CHEVY CHASE, MARYLAND 20815**

| <b>Adjoining and confronting property owners</b>   |  |
|--|--|
| Mr. and Mrs. Peter Wellington<br>Or Current Resident<br>18 West Lenox Street<br>Chevy Chase, MD 20815                | Ms. Margot Humphrey<br>Or Current Resident<br>25 West Kirke Street<br>Chevy Chase, MD 20815          |
| Mr. and Mrs. John J. Ryan<br>Or Current Resident<br>33 West Lenox Street<br>Chevy Chase, MD 20815                    | Mr. and Mrs. Thomas S. Dann<br>Or Current Resident<br>27 West Kirke Street<br>Chevy Chase, MD 20815  |
| Mr. Brian W. Smith<br>Ms. Donna J. Holverson<br>Or Current Resident<br>35 West Lenox Street<br>Chevy Chase, MD 20815 | Mr. and Mrs. Peter D. Keisler<br>Or Current Resident<br>20 Magnolia Parkway<br>Chevy Chase, MD 20815 |
| Mr. and Mrs. Jerome H.L. Powell<br>Or Current Resident<br>37 West Lenox Street<br>Chevy Chase, MD 20815              |  |

I hereby certify that a public notice was mailed to the aforementioned property owners on the 1<sup>st</sup> day of November 2012.



**Ellen Sands  
Permitting and Code Enforcement Coordinator  
Chevy Chase Village  
5906 Connecticut Avenue  
Chevy Chase, MD 20815**

# CHEVY CHASE VILLAGE

ESTABLISHED 1890

November 1, 2012

Mr. & Mrs. Daniel Coughlan  
20 West Lenox Street  
Chevy Chase, MD 20815

Dear Mr. & Mrs. Coughlan:

Please note that your request to maintain the stoop and step that were constructed on your property is scheduled before the Board of Managers on Tuesday, November 13, 2012 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,



Ellen Sands  
Permitting and Code Enforcement  
Chevy Chase Village

Enclosures

## CHEVY CHASE VILLAGE

5906 Connecticut Avenue  
Chevy Chase, Maryland 20815

Phone (301) 654-7300

Fax (301) 907-9721

ccv@montgomerycountymd.gov  
www.chevychasevillagemd.gov

## BOARD OF MANAGERS

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PETER T. KILBORN  
*Vice Chair*

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*Assistant Treasurer*

DAVID L. WINSTEAD  
*Board Member*

VILLAGE MANAGER

SHANA R. DAVIS-COOK



# Chevy Chase Village

## Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

|  |                     |
|--|---------------------|
| <b>Subject Property:</b> 20 W. Lenox St  |                     |
| <b>Describe the Proposed Project:</b> We are requesting a variance for a portion of our backyard steps (less than 3 sq. ft.) which violates our front yard set back. Since we are a corner lot both our front yard and back yard are subject to a front yard set back. |                     |
| <b>Applicant Name(s) (List all property owners):</b> Kristen & Daniel Coughlan   |                     |
| Daytime telephone: 240-744-4802  | Cell: 202-498-9686  |
| E-mail: Dcoughlan@tritecrealestate.com   |                     |
| Address (if different from property address):  |                     |
| For Village staff use:   |                     |
| Date this form received: 10/22/12  | Variance No: A-6235 |

### Filing Requirements:

**Application will not be accepted or reviewed until the application is complete**

- ☒ Completed *Chevy Chase Village Application for a Variance* (this form)
- ☒ Completed *Chevy Chase Village Building Permit Application*
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☒ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

### Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: \_\_\_\_\_

Date: 10/22/12

Applicant's Signature: \_\_\_\_\_

Date: 10/22/12

**Describe the basis for the variance request (attach additional pages as needed).**

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

See the attached

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

See the attached

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

See Attached

*In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.*

|   |  |
|---|--|
| <b>Variance Filing Fee</b><br><i>Per Village Code Sec. 6-2(a)(24):</i><br><input checked="" type="checkbox"/> \$300.00 for new construction.<br><input type="checkbox"/> \$150.00 for replacing existing non-conformities.<br><input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way.<br><input type="checkbox"/> Other: \$ _____<br><br><b>Fee Paid:</b> | <b>Checks Payable To:</b> Chevy Chase Village<br>5906 Connecticut Ave.<br>Chevy Chase, MD 20815<br><br><b>Date Paid:</b><br><br><b>Staff Signature:</b>                          |
|   | <b>Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on:</b><br><br><b>Date:</b> _____<br><br><b>Signature:</b> _____<br><b>Village Manager</b> |

**Describe the basis for the variance request (attach additional pages as needed).**

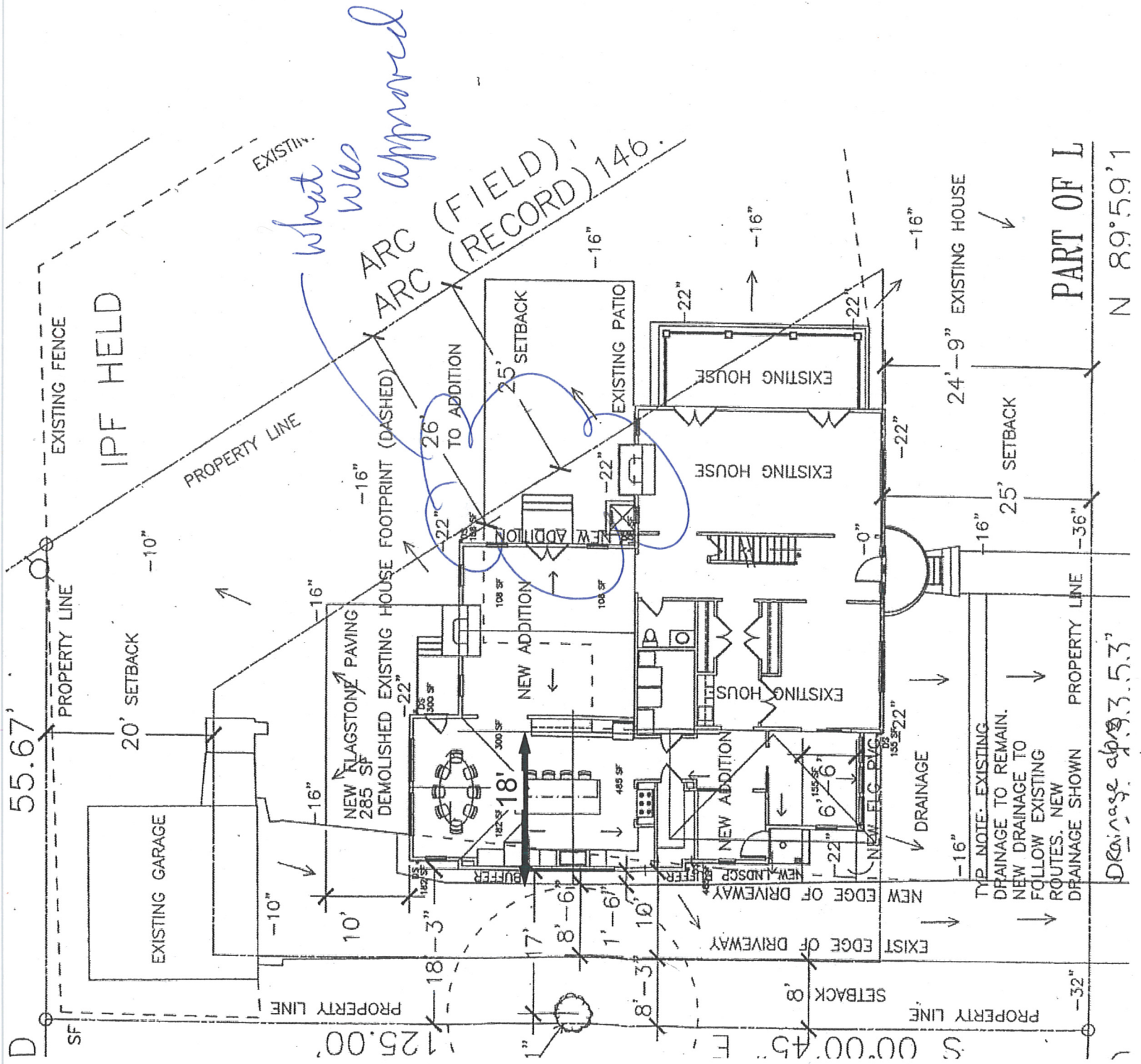
Since our property is a corner lot our back yard is subject to a 25 foot front yard setback instead of the normal 7 yard setback for a rear yard. Since a change was made in the field to our current addition, moving a french door off the family room approximately three feet to towards the rear of the house it made less than three sq. ft. of the bottom steep violate the 25 foot set back. The addition itself does not violate the set back just the corner of the bottom step. Since our rear yard fence sits in the middle of the very deep right of way of Magnolia St. the step in question is over 55 feet from the fence line of the property.

**Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):**

To accomodate the request of our neighbor we pulled our addition on the east side of our property in so it is over fifteen feet from the east side of the property even though the requirement is only 7 feet. Pulling the addition back in on the east side created circulation issues noticed in the field that resulted in the door being moved and the step violating the front yard set back on the back west side of the house. Over 200 sq. ft. of the existing house violates the set back on the Magnolia St. side (west side). The less than 3 sq. ft. the new bottom step is the most expedient way to get to grade.

**Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:**

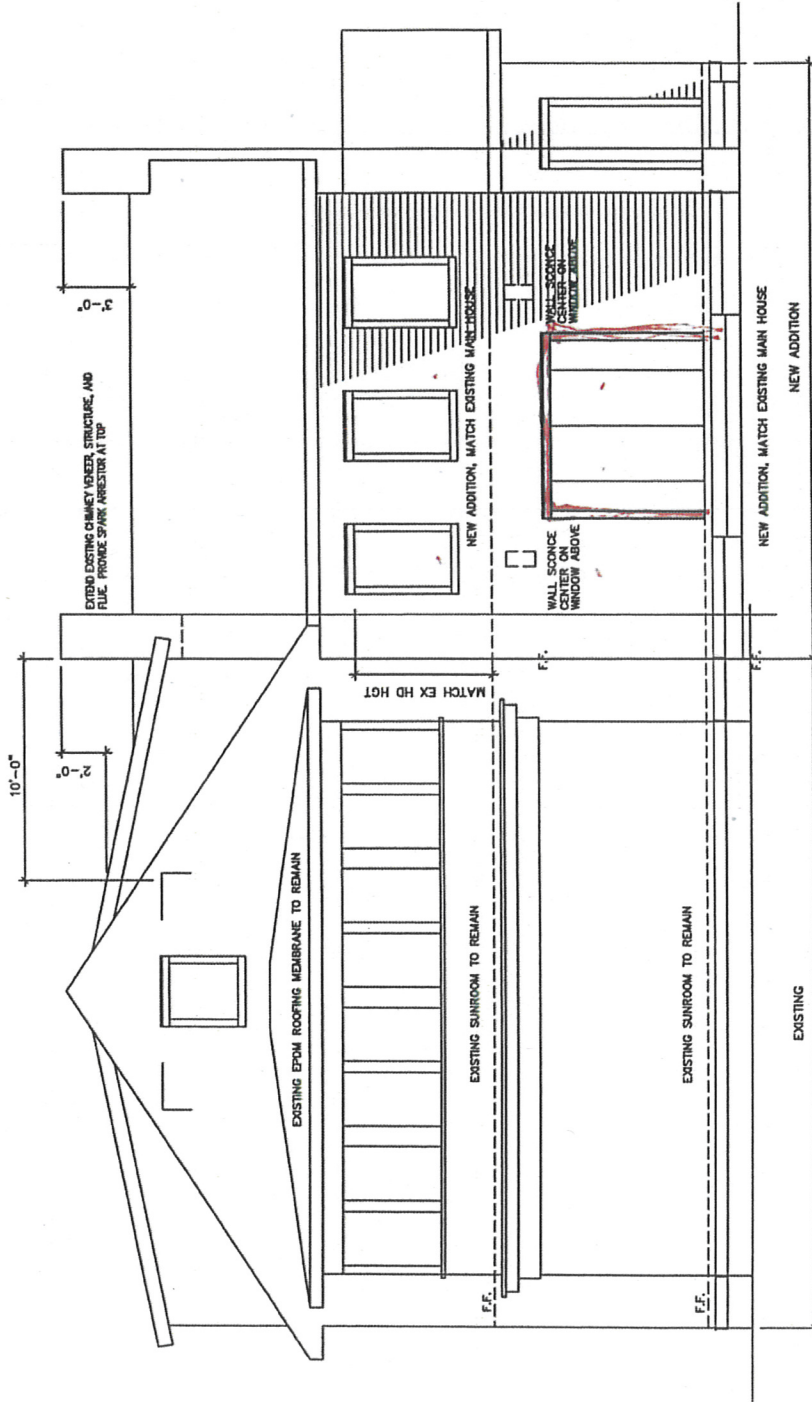
Allowing this variance will not block air circulation. It will not change the character of the property considering the existing building already violates the set back by over 200 sq. ft. The requested varience does not restrict air circulation or reduce green space considering the subject area was already patio space. The varience does not block vistas because it is only six inches off the ground. It does not create an unsafe condition, in fact it provides for the best way to get to grade.





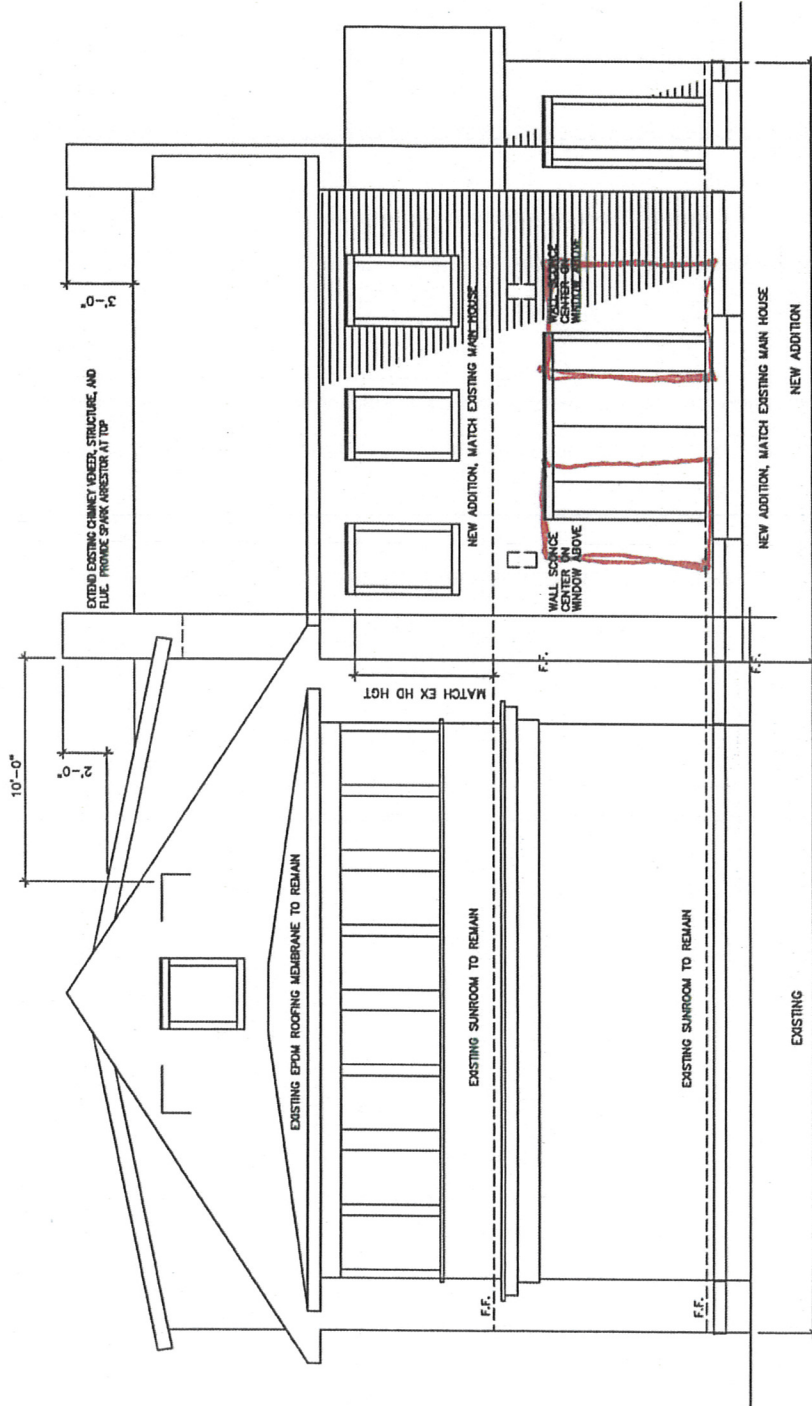
[illegible]

# Old Door Plan



SIDE ELEVATION  
COUGHLAN RESIDENCE  
SCALE 1/8" = 1'-0"

# New Door Plan



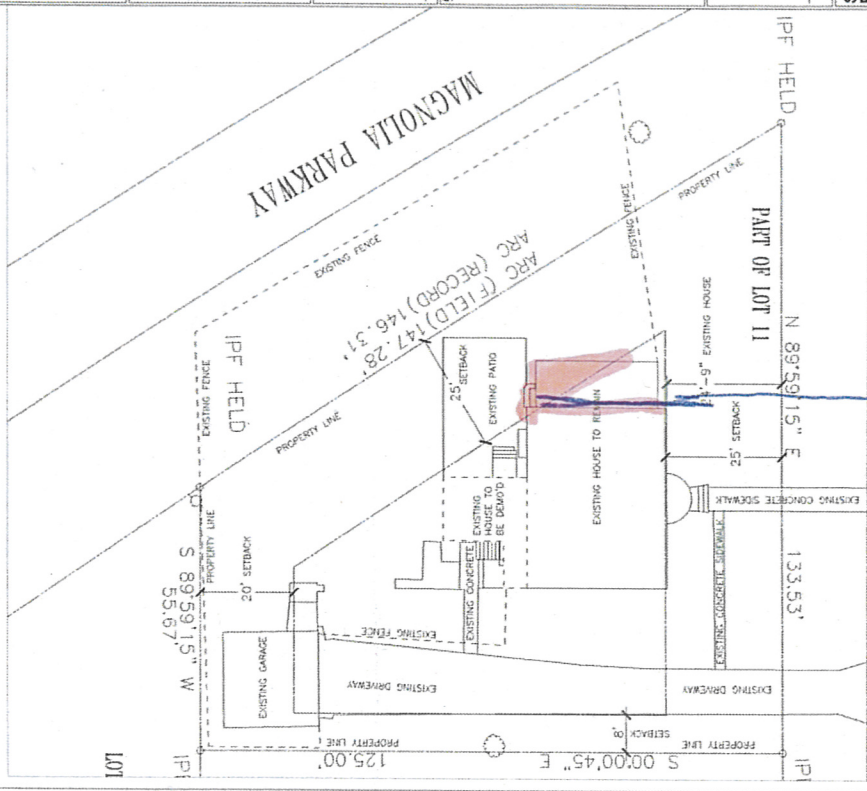
SIDE ELEVATION  
COUGHLIN RESIDENCE  
SCALE 1/8" = 1'-0"



A500

EXISTING HOUSE LOCATED WITHIN THE SITE

WEST LENOX STREET



SITE PLAN

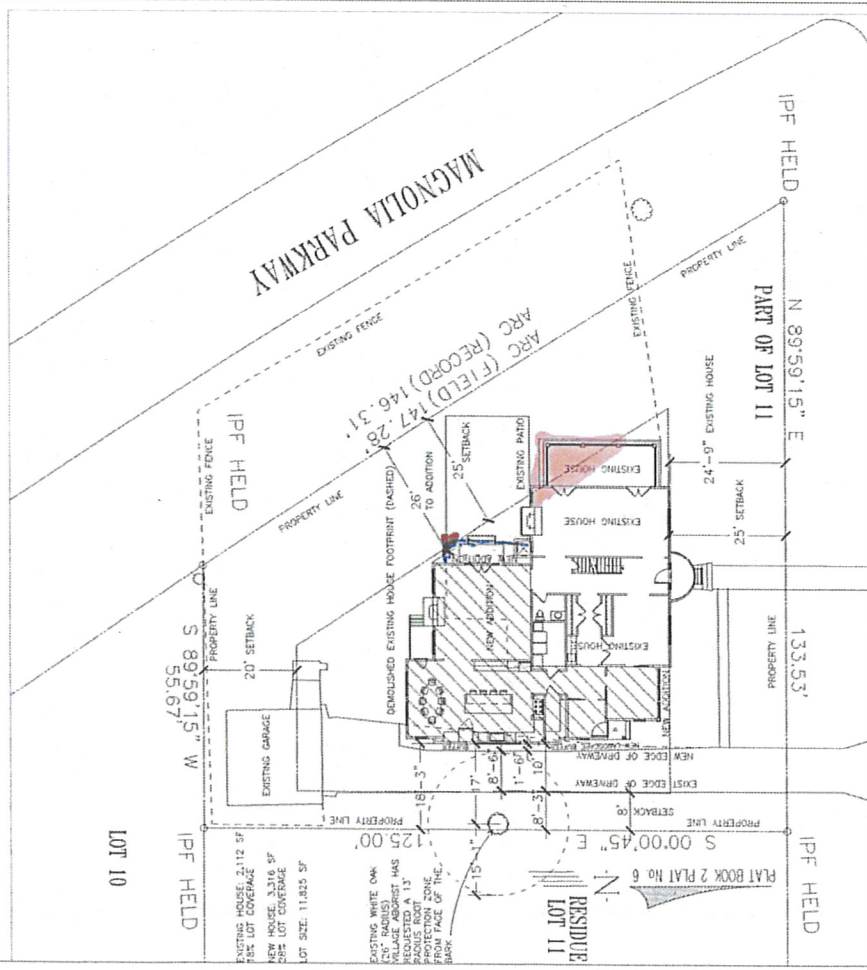
HOUSE ADDITION

PERMIT SET 06-03-12

COUGHLIN RESIDENCE ADDITION 20 WEST LENOX ST CHRY CHASE MD

PROPOSED NEW ADDITION TO EXISTING HOUSE

WEST LENOX STREET



Existing House Setback Violation  
Subject Violation



# Chevy Chase Village Checklist: Site Inspection Report

Village Building  
Permit No.: 6173, 6193

Property Address: 20 West Lenox Street

- |   |                              |                             |                              |
|---|------------------------------|-----------------------------|------------------------------|
| • Is the Village Building Permit posted, visible from street, and active?     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |                              |
| • Is the Montgomery County permit posted?                                     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |                              |
| • Is the property free of commercial signs?                                   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |                              |
| • Are all components of the Tree Protection Plan (TPP) in place?              | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Is the Village Dumpster Permit posted, visible from street, and active?     | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Is the dumpster in an acceptable location and not overfilled?               | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Is the portable sanitation facility in an acceptable location and screened? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Is the construction site clean (no trash)?                                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |                              |
| • Is the public right-of-way free of dirt, debris and materials?              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |                              |
| • Is the sidewalk open and passable (or appropriately closed)?                | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Is the public right-of-way fully accessible and free of vehicles?           | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Is the approved erosion and sediment control plan in place?                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |
| • Other violations (see notes below)  | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A |

☐ A violation of the Chevy Chase Village Code and/or conditions for this Village Building Permit exists on this site, as noted above. The permittee must take corrective action as detailed below.

This property will be re-inspected on \_\_\_\_\_. If the violation(s) are not corrected by this date, the Village may issue a stop work order on the property until the site is in full compliance. Please call the Code Enforcement Officer in the Village Office at 301-654-7300 if you have any questions or would like additional information.

Notes: The stoop at the family room doors (west)  
is not built as drawn and is  
not compliant w/ the 25' front BRL

emailed resident 10/17

Date

10/17/12

Inspector

Ulen Sand

## CCV Permitting

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**From:** Silver, Joshua [Joshua.Silver@montgomeryplanning.org]  
**Sent:** Thursday, October 25, 2012 2:34 PM  
**To:** CCV Permitting  
**Subject:** RE: 20 West Lenox

Hi Ellen,

I was in Chevy Chase Village today and drove by 20 West Lenox. The proposed modification to the stoop and doors constitutes a change and therefore requires approval from the HPC. Given the modest scope of the project it can be handled administratively between staff and the HPC. I support the proposed change and will request the HPC's approval at their next meeting on Wednesday, November 14<sup>th</sup>.

Thanks,  
Josh

tenances, and advantages, to the same belonging or in anywise appertaining.

To have and to hold the aforesaid pieces or parcels of ground and premises above described or mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances, and advantages thereto belonging or appertaining unto and to the only proper use, benefit and behoof forever of the said Robert E. Tasker his heirs and assigns, in fee simple.

And the said parties of the first part covenant that they will warrant specially and generally the property hereby conveyed; that they are seized of the land hereby conveyed; that they have a right to convey said land; that the said party of the second part shall quietly enjoy said land; that they have done no act to encumber said land; and that they will execute such further assurances of said land as may be requisite.

Witness their hands and seals.

Test:

Walter A. Buscher

Walter A. Buscher

342 Norman E. Ryon (Seal)

341 Mary Shipley Ryon (Seal)

(Internal Revenue \$.50)

District of Columbia, SS:

I hereby certify that on this 23rd day of December 1920, before the subscriber, a Notary Public, personally appeared Norman E. Ryon and Mary Shipley Ryon, his wife, and did each acknowledge the foregoing Deed to be their act.

In testimony whereof, I have affixed my official seal this 23rd day of December, A.D. 1920.

Walter A. Buscher

Notary Public, D.C.

Walter A. Buscher

Notary Public

District of

Columbia.

EXAMINED At the request of E. Baker Evans, the following Deed was recorded February 26th, A.D. 1921, at

Mailed to  
Wash A.C.  
322 1921

8:55 o'clock A.M. to wit:-

This Deed made this 24th day of February in the year one thousand nine hundred and twenty-one by and between the Chevy Chase Land Company, of Montgomery County, Maryland (a corporation duly organized under and by virtue of the laws of the State of Maryland), party of the first part, and E. Baker Evans, of the District of Columbia, party of the second part:

Witnesseth, That the said party of the first part, for and in consideration of the sum of thirty-four hundred and fourteen and 90/100 (\$3414.90) Dollars to it paid by the said party of the second part, and of the covenants and agreements of the said party of the second part as hereinafter set forth, does hereby grant and convey unto the said party of the second part, in fee simple, the following described land and premises, with the improvements, easements, and appurtenances thereunto belonging, situate in the County of Montgomery, State of Maryland, namely:



All of lot numbered Eleven (11), except the East sixty (60) feet front on Lenox Street by the full depth thereof, in Block numbered Thirty-eight (38), Section Two (2), "Chevy Chase," a subdivision made by The Chevy Chase Land Company of Montgomery County, Maryland, as per plat of said subdivision recorded in Plat Book No. 2 page 106, of the Land Records of Montgomery County, Maryland, being a re-record of the Plat of subdivision recorded among said Land Records in Liber J.A. #36, ~~Plat of subdivision recorded among said Land Records in Liber J.A. #36, folio~~ 61, containing eleven thousand three hundred and eighty-three (11,383) square feet of land, more or less.

To have and to hold the said land and premises, with the improvements, easements and appurtenances, unto and to the use of the said party of the second part, his heirs and assigns, in fee simple.

In consideration of the execution of this Deed, the said party of the second part, for himself and for his heirs and assigns, hereby covenants and agrees with the party of the first part, its successors and assigns (such covenants and agreements to run with the land), as follows, viz:

1. That all houses upon the premises hereby conveyed shall be built and used for residence purposes exclusively, except stables, carriage-houses, sheds or other outbuildings, for use in connection with such residences, and that no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected, within twenty five (25) feet of the front line of said premises and that no stable, carriage-house shed or outbuilding shall be erected except on the rear of said premises.

In the case of corner lots any and all lines bordering upon a street, avenue, or parkway shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than thirty-five hundred (\$3500) Dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of premises hereby conveyed, nor within (10) ten feet of the nearest adjacent house.

5. That a violation of any of the aforesaid covenants and agreements may be enjoined and the same enforced at the suit of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns (assigns including any person deriving title mediately or immediately from said Company to any lot or square, or part of a lot or square in the Section of the subdivision of which the land hereby conveyed forms a part).

And the said party hereto of the first part hereby covenants to warrant specially the property hereby conveyed, and to execute such further assurances of said land as may be requisite.

In testimony whereof, on the day and year first hereinbefore written, the said The Chevy Chase Land Company, of Montgomery County, Maryland, has caused

EXAMINE

Mailed to  
Albert J. Co.  
1625-1626  
Wash. D. C.  
3-21-79



these presents to be signed with its corporate name by Edward J. Stellwagen its President, attested by George E. Fleming its Secretary, and its corporate seal to be hereunto affixed, and does hereby constitute and appoint George E. Fleming its true and lawful Attorney-in-fact, for it and in its name, place and stead to acknowledge these presents as its act and deed before any person or officer duly authorized to take such acknowledgment, and to deliver the same as such.

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The Chevy Chase Land Company,  
of Montgomery County, Maryland,  
By Edward J. Stellwagen  
President.

The Chevy  
Chase Land Co. of  
Montgomery Co.  
Maryland.

Attest:

George E. Fleming  
Secretary.

(Internal Revenue \$3.50)

District of Columbia, to wit:

I, Albert W. Sioussa a Notary Public in and for the said District of Columbia, do hereby certify that George E. Fleming who is personally well-known to me to be the person named as attorney-in-fact in the foregoing and annexed Deed, dated the 24th day of February 1921, to acknowledge the same, personally appeared before me in the said District of Columbia, and as Attorney-in-fact as aforesaid, and by virtue of the power and authority in him vested by the aforesaid Deed, acknowledged the same to be the act and deed of the said The Chevy Chase Land Company of Montgomery County, Maryland and delivered the same as such.

Given under my hand and seal this 24th day of February A.D. 1921.

Albert W. Sioussa  
Notary Public, D. C.

Albert W. Sioussa  
Notary Public  
District of Columbia  
Commission expires  
Apr. 16, 1923.

EXAMINED At the request of Shirley K. Osgood, the following Deed was recorded February 26th A.D. 1921, at

*Mailed to  
Albert Osgood  
1625 N. B. St.  
Wash. D. C.  
3-21-1921*

8:43 o'clock P.M. to wit:-

This Deed made this 14th day of February in the year of our Lord one thousand nine hundred and twenty-one by and between Mary T. Bates, widow party of the first part, and Shirley K. Osgood of the District of Columbia, party of the second part:

Witnesseth, that in consideration of ten dollars (\$10.00) lawful money of the United